30. Administration of justice with special reference to the Civil Courts' Guide.

Mr. V. Krishnaswami Aiyar (Member, Karunagapalli taluk) began by emphasising the necessity of taking drastic measures in the matter of the disposal of civil cases. He wanted, in the interests of the litigant public, not a speedy adjudication of cases, which he admitted was dangerous to the course of justice in view of the actual condition and mentality of the people, but a means to be devised, whereby the delay at present experienced in the execution of court decrees could be completely removed. He attributed such delay to irresponsible subordinates such as process servers and amins, who had practically little or no interest in the business at hand, much less its speedy execution, and suggested that those evils could be remedied by the appointment of a responsible execution officer whose sole duty would be to execute decrees.

To mitigate the real hardship of the litigant, Regulation I of 1010 should be cancelled as it occasioned prolonged pendency of suits and retarded their execution after decree. He also pleaded for the codification of customary laws such as the Hindu Law and the Mahomedan Law. The High Court should adhere to the rule of *Stare decisis* or else it was likely to commit again the same mistake of the two full Benches in making different interpretations of Sections 17 and 20 of the Nayar Regulation. In the matter of appointing commissioners the Member's proposal was to the effect that there should be two commissioners in respect of each case, one appointed by the court and the other by the parties, and that in case of difference of opinion among them the court should make a local inspection. There should also be definite data governing the principles fixing the value of trees, etc., instead of adhering to the existing imperfect rules and court decrees.

The Member next spoke about the new *Civil Courts' Guide* and suggested that in conformity with the resolution of the Legislative Council it was desirable to suspend the operation of the *Guide* until the passing of the new Civil Procedure Code. The flaws in some of the provisions contained therein, such as the rules relating to the filing of affidavits and some others which contradicted one another, as pointed out by the current number of the T. L. J., were then dealt with by the Member. The following portions of the Guide which were working hardship, were also specifically pointed out:—Rule 187, Form 33 Appendix III, *re.* setting aside sales under Section 307 A, 308 or 310 of the C. P. C; the rule in regard to depositing commission fees above the sum of Rs. 7 ; Rules 165 and 167 regulating the drawing of money from the court : Rule 161 *re.* the remitting of one-fourth value of the purchase money to the treasury, which ought to be amended to the effect that the head clerk and the nazir who had a deposit with the Government to their credit could receive the money from the parties ; and the deficiency in Forms 2 and 3, Appendix III, for want of columns to note down the caste, religion, age, etc., of the parties for their future identification.

The Member finally suggested not only modifications and corrections in some parts of the Code but also the total abrogation of those parts which were detrimental to the litigant public. He also expressed the desirability of similar improvements in connection with criminal justice. The Member brought his representations to a close by advocating an increase of pay to the clerical staff of courts so as to place them above temptation.

The Assembly adjourned at 5 P. M.

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